

**January 3, 2007**

**A. Conditions For NVLLC To Place 14 Trucks Per Day At 1:1 Mix In Phase IA Disposal Requirements**

NVLLC must be in compliance with the requirements of Paragraph 4 and the following remaining items in the Order:

- As required by Paragraph 1(h), continue 24/7 operation of the temporary landfill gas pretreatment system with demonstrated effectiveness. This requires the submission of flow measurements and Drager tube analysis pursuant to Appendix A and the collection and analysis of the required laboratory analytical samples from the influent and effluent landfill gas of the pre-treatment system.

Note, Appendix A, Section E, "Pre-Treatment System Initial Startup – Demonstration System Operation" states, "Upon installation and start-up of the 24/7 pre-treatment system New Ventures shall, every four hours during the initial forty-eight (48) hours of operation of the pre-treatment system, sample the inlet into the pre-treatment system and the outlet of each active vessel of the pre-treatment system for H<sub>2</sub>S and measure the flow rate into the flare. When the last four hour sampling event is performed at the end of the start-up period (that is, the sample collected at the 48th hour of operation) New Ventures shall also collect from the inlet and the outlet of the pretreatment system samples of landfill gas for laboratory analysis of sulfide compounds (sulfides, mercaptans, and thiols) using EPA Method 15 using GC/FPD or equivalent. If the readings meet the LFG Pre-Treatment System Performance Criteria for the 48-hour period then the pretreatment system will be considered to be operational. Thereafter New Ventures shall comply with the LFG System Monitoring requirements of Section F LFG System Monitoring below."

Also, as described in the email accompanying this document. the pre-treatment system is in noncompliance with the performance standards of Appendix A Section D. of the Order. Therefore, pursuant to Paragraph 9 of the Order the resumption of the receipt or placement of C & D Fines and Residuals at the landfill by New Ventures requires approval by MassDEP that the pre-treatment system is operating in accordance with the performance standards of Appendix A.

- As required by Paragraphs 2 and 1(j), place tarps in "all areas of the Site containing construction and demolition waste fines and residual materials ("C&D Material") that are not currently tarped, with the exception of areas that in the past twenty four (24) hours have undergone filling, grading, shaping, or Geocomposite gas collection system installation activity, which areas shall be completely covered at all times when no work on that area is in progress, using removable, impervious tarps or poly sheeting at least 11 millimeters thick." These areas include:
  - 1) the south slope of the north side at the top of the haul road (including placing tarps) or;

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- 2) the lobe to the northeast of the flare (approximately 6 foot strip and to the toe of slope);
- 3) the south slope of the landfill in the Phase IA Area where C&D Fines and residuals have been placed;
- 4) Any area of the west slope that is not active pending installation of the FML.

Note that pursuant to 310 CMR 19.130(15)(c) at the end of each day for any active fill area and/or areas that in the past twenty four (24) hours have undergone filling, grading, shaping, daily cover shall be placed within active areas to control blowing litter, odors, and to minimize the infiltration of water in areas in which active filling is occurring. Such daily cover may consist of either a minimum of 6" of soil, removable tarps or a spray on coating approved by the MassDEP pursuant to paragraph 2 of the Order. Soil used as daily cover may be used for purposes of mixing with C & D material that is placed directly upon it when activity is resumed in that area.

- Permission for disposal of spent Sulfa-Bind at the Landfill.
- As required by Paragraph 1(x), complete the placement of hay bales and silt fences as follows.
  - 1) Extend along the east side of the landfill to the southeast and northeast to the easterly property line (stone wall) as originally staked;
  - 2) Extend along the toe of the northern berm to Basin 2;
  - 3) Extend along the southwest corner to the area of Crow Lane and the site of post-leachate discharges.
- As required by Paragraph 1(u), Leachate Control Measures – implement measures to mitigate and control the release of leachate to surface water; begin performing with the following:
  - 1) Determine and document the 80% capacity level for each tank (100% capacity level is the elevation of the lowest invert to each tank);

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- 2) Determine and record the leachate levels in each tank on at least a daily basis with the exception of Tanks 4 and 5 which should be monitored periodically during the day to evaluate the flow rate;
- 3) Commence and record the pumping of all tanks as necessary to maintain the level of leachate at 80% capacity or less to prevent system bypass and leachate breakouts;
- 4) Address the leachate seeps identified at the base of the berm immediately to the west of Tank 3 and approximately 100 feet east of basin 2 by initially placing soil or emulsion and monitoring the seeps daily;
- 5) Address the leachate seep at the base of the haul road by the placement of tarps, soil or emulsion on the north side of the haul road; if that is unsuccessful, modify/expand the collection system to Tank 1 to include the leachate discharge on the north side of the haul road at its base by expanding the French drain.
  - As required by Paragraph 1(m), submit a revised Closure Plan Schedule to reflect incorporation of the final berm design based on the geo-technical evaluation performed pursuant to Paragraph 1(p).
  - As required by Paragraph 1(s), complete installation of sampling ports, final valves, etc. for EW-11 and EW-12.
  - Receipt of written authorization from DEP to begin filling Phase IA pursuant to Paragraph 4.

**B. Conditions To Place 24 Trucks Per Day At 1:1 Under The Order**

Comply with the provisions of Paragraph 5 of the Order including without limitation:

- As required by Paragraph 1(r)(ii), complete installation of FML in Phase I Area, including without limitation anchoring and connection and operation of the Geocomposite gas vent system.
- As required by Paragraph 1(u), manage and mitigate contaminated leachate in basins and prevent discharge to surface water.
- As required by Paragraph 1(v), evaluate, maintain and expand as necessary the leachate collection system including implementing measures to control and mitigate leachate releases to the east and SW of the site. Submit for Department approval and implement a leachate control plan.

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- As required by Paragraph 1(w), install the storm water swale to Basin 2 on the berm within the Phase I Area.
- Receipt of written authorization from DEP to begin placing up to 24 truckloads of C&D material per day pursuant to Paragraph 5.

**C. Conditions To Place 35 Trucks Per Day At 1:1 Under the Order**

Comply with the requirements of Paragraph 6 of the Order including, without limitation:

- As required by Paragraph 1(r), complete installation of the FML and gas geo-composite vent system on Phase I & II (anchored and gas system connected);
- As required by Paragraph 1(d), install and operate 24/7 with demonstrated effectiveness per Appendix A the permanent landfill gas pretreatment system.
- Receipt of written authorization from DEP to begin placing up to 35 truckloads of C&D material per day pursuant to Paragraph 6.

**D. Other Issues**

- Repair and expand the truck dry wash at the base of the haul road such that trucks existing and entering either over or around the scale pass through the dry wash.
- Sweep and maintain the access road (Crow Lane) into the landfill as necessary to control and prevent the emission of road dust the street sweeper does not appear to be operating properly (vacuum, spray etc.).
- Appendix A Section I.1.h. of the Order requires that “New Ventures in accordance with 310 CMR 19.011 shall certify all information and reports submitted to MassDEP. The Engineer pursuant to 310 CMR 19.011 shall certify all status reports and documents submitted to MassDEP by the Engineer.” 310 CMR 19.011 reads in whole:

“(1) Certification. Any person, required by 310 CMR 19.000 or any order issued by the Department, to submit papers shall identify themselves by name, profession, and relationship to the applicant and legal interest in the facility, and make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware

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that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment."

(2) Engineering Supervision. All papers pertaining to design, operation, maintenance, or engineering of a site or a facility shall be completed under the supervision of a Massachusetts registered professional engineer knowledgeable in solid waste facility design, construction and operation and shall bear the seal, signature and discipline of said engineer. The soils, geology, air modeling, air monitoring and groundwater sections of an application or monitoring report shall be completed by competent professionals experienced in the fields of soil science and soil engineering, geology, air modeling, air monitoring and groundwater, respectively, under the supervision of a Massachusetts registered professional engineer. All mapping and surveying shall be completed by a registered surveyor."

This includes without limitation, certification of the daily landfill gas monitoring reports submitted to New Ventures by facsimile.